

INFORMATION

Access to social programs in Quebec and Canada often depends on **residence**. This means that we can **lose our right to public services and benefits** if we are out of the country or the province for a certain period of time.

Depending on the applicable legislation, the definition of the residency criterion may differ from one program to another. Below is a summary of the residence criterion for each program.

This document provides general information and does not in any way constitute legal advice or statement of opinion. The Canadian and Quebec immigration systems being particularly complex, they sometimes create quite intricate situations. Therefore, it is necessary to consult specialists to validate the application of various notions to any specific case. The information in this document was verified in May 2017.

For more information and a list of resources, see our guide for community workers: “Immigrants’ and Refugees’ Access to Social Benefits and Programs in Quebec”, available to download for free at: www.servicesjuridiques.org

We would like to thank the Ministère de la Justice du Québec (Fond Accès Justice) for their financial assistance. The views expressed in this document do not necessarily represent those of the Ministère de la Justice du Québec.

Also available in this series (in French, English, Arab, Creole, simplified Chinese and Spanish):

- Being an asylum seeker in Quebec
- Being a temporary resident permit holder in Quebec
- Being a non-status person in Quebec
- Being a temporary worker and international student in Quebec
- Being an accepted refugee in Quebec
- Being a permanent resident in Quebec
- Being a rejected refugee in Quebec

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THE CRITERION OF RESIDENCE

Regarding Access to Social Programs



COMMUNITY LEGAL SERVICES
OF POINT ST-CHARLES AND LITTLE-BURGUNDY

Permanent residence

Permanent residents who leave Canada for a certain period of time may lose their permanent resident status.

A permanent resident must remain in Canada for at least **two years** (730 days, consecutive or not) **over a five-year period**.

Welfare

Welfare recipients lose their right to benefits if they are outside Quebec for more than **7 consecutive days** or for more than **15 cumulative days** during one calendar month.

Exceptions apply for medical reasons.

Family benefits

To qualify for the **Canada Child Benefit** (federal) and the **Child Assistance Payment** (Quebec), recipients must live in Canada (in Quebec for the Child Support Payment) for at least **half of the year** (183 days).

Housing

Tenants are never obliged to occupy their dwelling.

Exception: if you live in municipal **low-rent housing** and you are absent for a long period of time, the landlord (Office municipal d'habitation) could ask for the termination of the lease if they can prove that the tenant no longer lives in Quebec.

Legal Aid

A person in need of Legal Aid services will be considered as a Quebec resident if they usually live in the province.

Victims of Crime

Victims of crime may be compensated by the *Directeur de l'indemnisation des victimes d'actes criminels* regardless of their immigration status and are not required to remain in Quebec to qualify for benefits.

Road accidents

In the event of a road accident in Quebec or abroad, all residents of Quebec are insured by the SAAQ (*Société de l'assurance automobile du Québec*) for their personal injuries, regardless of the degree of fault in the accident.

To be considered a resident of Quebec, a person must live in Quebec for at least **half of the year** (183 days). Individuals already receiving SAAQ benefits are not required to live in Quebec in order to continue receiving benefits.

Individuals who are not considered residents of Quebec, such as non-status persons and tourists, may be eligible for benefits from the SAAQ for road accidents that occurred in Quebec. Eligibility is based on the proportion of non-liability of the accident (ex.: responsible for 50% of the accident).

Retirement

Individuals receiving their pension from the **Quebec Pension Plan**, administered by *Retraite Québec*, may continue to receive it even if they no longer live in Quebec.

If an individual is entitled to **Old Age Security** federal benefits and that they have lived in Canada for at least 20 years since age 18, the pension can be paid regardless of where they live.

The **Guaranteed Income Supplement** (GIS) can be added to the Old Age Security amount depending on the financial situation of the recipient. Recipients of the GIS lose their entitlement to this added benefit if they leave Canada for more than **six months**.

Health and Prescription Drug Insurance

To be eligible for Quebec **health and prescription drug insurance**, administered by the *Régie de l'assurance maladie du Québec* (RAMQ), individuals must be residents of Quebec and living in Quebec at least **half of the year** (183 days). Absences of 21 days or less are not considered (nor the days of departure and arrival).

It is possible to ask the RAMQ for an **exception to this requirement every seven years**, meaning that it is possible to be outside Quebec for one year every seven years and still be eligible for health and prescription drug insurance.

Exceptions also apply for people who are hospitalized in another country and prevented from returning to Quebec.

Employment Insurance

Employment insurance (EI) recipients lose their entitlement to benefits while they are outside of Canada.

Exceptionally, a person may leave Canada for **seven days** to visit a sick relative or to do a job interview in that other country.

It is possible to travel to another Canadian province without losing benefits, as long as the EI recipient continues to seek employment during the stay.